

CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **CREMATED REMAINS DISPOSERS**. It is not a complete list of all violations for which the Bureau can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 2300 – 2390, Business and Professions Code (BPC) Sections 164 – 9789, and Health and Safety Code (HSC) Sections 7000 – 103800. The full context of the laws and regulations may be found at the Bureau's web site: www.cfb.ca.gov.

LICENSES AND POSTING REQUIREMENTS:

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| 164 | Failure to post license(s) in public view |
| 9741(b)(<u>A</u>) | Failure to post a copy of the boating and/or pilot's license if the cremated remains disposer is the captain and/or pilot performing the scattering |
| 9741(b)(<u>B</u>) | Failure to post, at the place of business, the address of the location where cremated remains are stored |
| 9748 | Unlicensed/unregistered practice as a cremated remains disposer |

STORAGE AND SCATTERING:

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| 7054.6(b)(2) | Failure to scatter cremated remains from their individual containers |
| 7054.7(a)(2) | Failure to keep the cremated remains in a durable container |
| 7116 | Failure to remove cremated remains from their container prior to scattering in authorized areas |
| 7117(a) | Failure to remove cremated remains from their container prior to scattering at sea |
| 9742(<u>A</u>) | Failure to have available for inspection a certification by the Federal Aviation Administration for all aircraft used for scattering cremated remains |
| 9742(<u>B</u>) | Failure to have available for inspection a registration from the Department of Motor Vehicles or other documentation from a federal agency for all boats/vessels used for scattering cremated remains |
| 9744.5(a)(2) | Failure to maintain cremated remains in a responsible manner and/or keep free from the elements |
| 9745(a)(<u>A</u>) | Failure to file the annual report for the fiscal year ending June 30 |
| 9745(a)(<u>B</u>) | Failure to maintain an updated copy of the annual report |
| 9749.3(a) | Storing cremated remains in a reckless manner resulting in the loss of all or part of the cremated remains |
| 9749.3(b) | Storing cremated remains in a reckless manner resulting in the inability to individually identify the cremated remains |

FILE AUDIT:

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| 7055(<u>A</u>) | Failure to obtain a permit for disposition of human remains |
| 7117(b) | Failure to file the disposition permit with the local registrar in the county nearest the point of scattering within 10 days, when scattering at sea by boat or air |
| 9743 | Failure to scatter cremated remains without, or in accordance with, specific written instructions |
| 9744 | Failure to return a completed copy of the disposition permit to the person with the right to control disposition within 30 days of scattering |
| 9744.5(a)(1) | Failure to dispose of cremated remains within 60 days of receipt |
| 103060 | Failure to file the disposition permit with the local registrar within 10 days of scattering |

The Bureau issues administrative citations and fines under California Code of Regulations (CCR) § 2382. Business and Professions Code (BPC) § 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR, BPC, and HSC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$50 to \$1500 and can be assessed for each violation.